

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Girsih K. Muralidharan	§	Confirmation No.: 9698
	§	
Serial No.: 10/723,864	§	Group Art Unit: 2443
	§	
Filed: November 26, 2003	§	Examiner: Fearer, Mark D.
	§	
For: METHOD AND APPARATUS FOR	§	Atty. Docket: GEMS:0249/YOD/DOO
DYNAMICALLY ADAPTING	§	138256 SV
IMAGE UPDATES BASED ON	§	
NETWORK PERFORMANCE	§	

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION OR MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d), or is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.6(a)(4), or is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
June 29, 2010	/Matthew C. Dooley/
Date	Matthew C. Dooley

Sir:

**NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31 FROM THE DECISION OF THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appellant hereby appeals to the Board of Appeals and Interferences from the Final Office Action mailed March 29, 2010, of the Examiner finally rejecting claims 1-18, 20-23, 31-35, and 40-49 of the above-referenced application.

Appellant notes that \$0 is concurrently due in association with the present Notice of Appeal. Section 1204.01 of the Manual of Patent Examining Procedure states:

Any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior appeal. If, however, the appeal fees have increased since they were previously paid, then appellant must pay the difference between the current fee(s) and the amount previously paid. M.P.E.P. § 1204.01 (emphasis added).

Appellant previously paid \$510 for the Notice of Appeal filed on January 3, 2008, as well as an additional fee of \$30 for the Notice of Appeal filed June 30, 2009. In both of the previous appeals, the Office reopened prosecution without a final Board decision. The current fee for a Notice of Appeal is \$540. Thus, as noted above, no additional fee is believed to be due for this Notice of Appeal. However, if any other fees are deemed necessary, then Appellant authorizes the Commissioner to charge such fees to Deposit Account No. 50-2402; Order No. 138256-SV (GEMS:0249/YOD).

Respectfully submitted,

Date: June 29, 2010

/Matthew C. Dooley/  
Matthew C. Dooley  
Reg. No. 61,996  
FLETCHER YODER  
P.O. Box 692289  
Houston, TX 77269-2289  
(281) 970-4545